

AMENDMENTS TO THE DRAWINGS:

Please find accompanying this response a replacement sheet for Fig. 4 wherein amendments explained in the Remarks presented below are effected.

REMARKS

Claims 1, 6, and 10-12 remain pending in this application. Claims 1, 3-8 and 10-13 are rejected. Claims 6 and 11-13 are objected to. Claims 3-5, 7, 8 and 13 are cancelled herein. Claims 2 and 9 are previously cancelled. Claims 1, 6 and 10-12 are amended herein to express the invention in alternative wording and to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

The drawings are objected to because it is alleged that “Figures 8 and 9 are not consistent with the description thereof on page 8.” In response to the Examiner’s objection, the description in the specification reciting “when placed into a packaging bag” (page 8, lines 4 and 10 in the application) has been revised to read as “to create a form thereof suitable for placement of same into a packaging bag.”

The drawings are further objected to on the basis that in “In Figure 4, the sheet 21 rather than the entire diaper line should be clearly denoted.” The basis of the objection is unclear, since reference designator 21 identifies a continuous sheet (or web) of diapers 1. Therefore, applicants submit that 21 correctly identifies the continuous sheet. For clarity of this intended identification, a replacement sheet containing Fig. 4 is provided herewith, in which lines A and B have been redrawn to clearly appear as dashed lines. It is readily understood by one of ordinary skill in the

art reading the specification disclosure, along with Fig. 4, that the continuous sheet 21 is cut along lines B to create individual diapers 1, also clearly marked.

In view of the above, withdrawal of the objections to the drawings is respectfully requested.

The Office Action states that the specification is objected to for various informalities. The specification is amended to correct various typographical, grammatical and idiomatic informalities including those noted in the Office Action. No new matter is added.

The Examiner has objected to the Abstract for exceeding 150 words. The Examiner was reminded in the previously filed amendment that the present application is a national stage application to which the 150 word limit does not apply. The Examiner has failed to comment on applicants' stated position. Nevertheless, in the interests of expediting prosecution, the Abstract is amended to reduce the word count to less than 150 words.

Claims 6 and 11-13 are objected to based upon noted informalities. With regard to the grammatical errors pertaining to claims 6 and 12, the claims have been amended to address these issues. However, applicant respectfully traverses the objection to claim 11 (claim 13 is herein cancelled), since the preamble of a dependent claim need not coincide with the claim from which it depends, as long as the subject matter claimed thereby limits the parent claim, and applicants know of no

rule mandating such. Applicants respectfully request that the Examiner provide her authority in basing this objection should the objection be maintained.

Claims 1, 3-8 and 10-13 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter of the invention as a result of informalities stated in the Office Action. Claims 3-5, 7, 8 and 13 are cancelled, rendering their rejections moot. The remaining claims are amended to remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of claims 1, 6 and 10-12 and their allowance are earnestly requested.

Claims 1, 3-8 and 10-13 are rejected as obvious over SCA 'PCT '845 in view of Cammorata et al. and MacDonald under 35 U.S.C. §103(a). Claims 3-5, 7, 8 and 13 are cancelled, rendering their rejections moot. The applicant herein respectfully traverses this rejection as pertaining to remaining claims 1, 6 and 10-12. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

It is respectfully submitted that none of these cited references discloses the requirements of "said diaper main body being folded over at a fold so as to define a first diaper body portion on one side of the fold and a second diaper body portion on another side of the fold," "said fold defining a fold edge face between said first and second diaper body portions" and "at least a portion of said indicia being disposed

on said fold edge face.” These requirements define that indicia is disposed on a fold edge face of a fold between a first and second diaper body portion of a pants-type disposable diaper.

In the Office Action, the Examiner states that symbols 11 of SCA 'PCT '845 corresponds to indicia of the present invention. However, in Fig. 1 of SCA 'PCT '845, symbols 11 are not arranged on a folding line. In addition, an absorbent article shown in Fig. 4 of SCA 'PCT '845 is not a diaper, but rather an incontinence guard. In Fig. 4, symbols 11 are disposed on folding lines, but the folding lines are to be formed when the incontinence guard is folded for a package condition. The folding lines with the symbols 11 of Fig. 4 of SCA 'PCT '845 are different from the fold with the indicia of the present invention, since the fold with the indicia of the present invention is formed at a bottom of a pants-type disposable diaper. None of documents discloses a pants-type disposable diaper having a fold with indicia at a bottom thereof.

Further, none of documents discloses the indicia being disposed on the first diaper main body and the second diaper main body as well as to the fold edge face. In the Office Action, the Examiner acknowledges “strip 10 which has width and length at folds and there are folds in both such portions, e.g., at side edges, at the crotch.” However, the Examiner further states that symbols 11 of SCA 'PCT '845 corresponds to indicia of the present invention, and symbols 11 are disposed only at “the first diaper main body” in Fig. 1 of SCA 'PCT '845. Thus, SCA 'PCT '845 does

not disclose indicia being disposed on “the first and second diaper main body” as well as the fold at the crotch.

In the present invention, since the indicia is disposed on the first diaper main body and the second diaper main body as well as on the fold edge face, when two or more like folded diaper main bodies are stacked on one another in a stack, the indicia can be easily recognized from both the side and from above of the stack.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 1, 6 and 10-12 and their allowance are respectfully requested.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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enc: Replacement drawing sheet of Fig. 4.